IN THE UNITED STATES PATENT AND TRADEMARK OFFICE TO THE TRADEMARK OFFICE TO TH

In re application of:

Hartley et al.

Appl. No. 09/517,466

Filed: March 2, 2000

For:

Compositions and Methods for

Use in Recombinational Cloning

of Nucleic Acids

Art Unit:

Examiner: Johannsen, D.

Atty. Docket: 0942.4680003/RWE/BJD

Letter

Commissioner for Patents Washington, D.C. 20231

Via Hand Carry to Art Unit 1655 Attn: Examiner D. Johannsen

Applicants submit the following documents for appropriate action by the U.S. Sir: Patent and Trademark Office:

- Information Disclosure Statement (in duplicate); 1.
- 67 pages of Form PTO-1449 citing 254 documents; 2.
- A copy of each of the 254 cited documents; and 3.
- One return postcard. 4.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Brian J. Del Buono Attorney for Applicants

Registration No. 42,473

Date: Jan. 26, 7001

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

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1655

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Information Disclosure Statement

Commissioner for Patents Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. A copy of each document is submitted herewith.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

The Examiner's attention is directed to co-pending U.S. Patent Application Nos.

09/177,387, filed October 23, 1998,

09/233,492, filed January 20, 1999,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

09/296,280, filed April 22, 1999, 09/296,281, filed April 22, 1999, 09/432,085, filed November 2, 1999, 09/438,358, filed November 12, 1999, 09/498,074, filed February 4, 2000, 09/517,466, filed March 2, 2000, 09/518,188, filed March 2, 2000, 09/648,790, filed August 28, 2000, 09/695,065, filed October 25, 2000, and (TBA), filed December 11, 2000;

which are directed to related technical subject matter. The identification of these U.S. Patent Applications is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

HARTLEY *et al.* Appl. No. 09/517,466

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this pleading is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

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Attorney for Applicants Registration No. 42,473

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	AA1	4,6	73,640	06/16/1987	Backman, K.C.	43	5	68	04/30/1984
	AB1	4,7	43,546	05/10/1998	Backman et al.	43	5	108	02/13/1985
	AC1	4,9	59,317	09/25/1990	Sauer B.L.	43	5	172.3	04/29/1987
	AD1	5,2	27,288	07/13/1993	Blattner, F.R.	43	5	6	10/01/1990
	AE1	5,3	54,668	10/11/1994	Auerbach, J.I.	43	5	91.1	10/15/1993
	AF1	5,4	34,066	07/18/1995	Bebee, R.L., et al.	43	5	172.3	03/15/1994
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APPLICATION NO. ATTY. DOCKET NO. 09/517,466 0942.4680003 FORM PTO-1449 APPLICANT Hartley et al. INFORMATION DISCLOSURE STATEMENT GROUP FILING DATE 1655 March 2, 2000 U.S. PATENT DOCUMENTS EXAMINER CLASS SUB-FILING DATE NAME INITIAL DOCUMENT DATE CLASS NUMBER 20.1 03/02/1994 435 10/14/1997 Devine et al. AA2 5,677,170 06/07/1995 435 325 Wahl et al. 10/14/1997 AB2 5,677,177 530 327 07/29/1996 Grose, C.F. 01/20/1998 AC2 5,710,248 800 208 06/07/1995 Oliver et al. AD2 5,723,765 03/03/1998 435 6 02/01/1996 Auerbach, J.I. 5,733,733 03/31/1998 AE2 06/10/1996 435 320.1 AF2 5,733,743 03/31/1998 Johnson et al. Hodges et al. 435 172.3 03/08/1996 5,744,336 04/28/1998 AG2 435 12/19/1994 91.41 AH2 5,766,891 06/16/1998 Shuman, S. 424 93.2 09/20/1996 07/07/1998 Baum et al. AI2 5,776,449 435 69.7 06/05/1995 Bushman, F.D. AJ2 5,830,707 11/03/1998 424 05/14/1996 11/17/1998 Holliger et al. 136.1 AK2 5,837,242 FOREIGN PATENT DOCUMENTS EXAMINER TRANSLATION COUNTRY CLASS SUB-DATE DOCUMENT INITIAL CLASS NUMBER Yes No 08/05/1993 WIPO AL2 WO 93/15191 Yes No WO 93/19172 09/30/1993 WIPO AM2 Yes No Canada AN2 CA 2,141,412 02/17/1994 Yes No WO 94/17176 08/04/1994 WIPO A02 Yes No 01/05/1995 WIPO AP2 WO 95/00555 OTHER (Including Author, Title, Date, Pertinent Pages, etc.) Abremski, K., et al., "Studies on the Properties of P1 Site-Specific Recombination: Evidence for Topologically Unlinked Products Following AR <u>2</u> Recombination, " Cell 32:1301-1311, Cell Press, Cambridge, MA (1993). Adams, D.E., et al., "Cre-lox Recombination in Escherichia coli Cells: Mechanistic Differences from the in Vitro Reaction, " J. Mol. Biol. 226:661-673, AS 2 Academic Press, Inc., New York, NY (1992). Andrews, B.J., et al., "The FLP Recombinase of the 2μ Circle DNA of Yeast: Interaction with Its Target Sequences," Cell 40:795-803, Cell Press, Cambridge, AΤ 2 MA (1985). DATE CONSIDERED EXAMINER Initial if reference considered, whether or not citation is in conformance with MPEP 609. EXAMINER: Draw line through citation if not in conformance and not considered. Include copy of this form with

next communication to Applicant.

ATTY. DOCKET NO. APPLICATION NO. 0942.4680003 09/517,466 FORM PTO-1449 APPLICANT Hartley et al. INFORMATION DISCLOSURE STATEMENT FILING DATE GROUP March 2, 2000 1655 U.S. PATENT DOCUMENTS EXAMINER DOCUMENT DATE INTTIAL CLASS NAME SUB~ FILING DATE NUMBER CLASS AA3 5,843,772 12/01/1998 Devine, S.E., et al. 435 69.1 11/18/1994 AB3 5,851,808 12/22/1998 Elledge et al. 435 172.3 02/28/1997 AC3 5,858,657 01/12/1999 Winter et al. 435 6 06/07/1995 AD3 5,871,907 02/16/1999 Winter et al. 435 6 03/31/1994 AE3 5,874,259 02/23/1999 Szybalski, W. 435 91.1 11/21/1997 AF3 5,888,732 03/30/1999 Hartley et al. 435 6 06/07/1996 AG3 5,916,804 06/29/1999 Bushman, F.D. 435 325 04/17/1998 АН3 5,919,676 07/06/1999 Graham et al. 435 172.3 06/07/1995 AI3 5,928,914 07/27/1999 Leboulch et al. 435 172.3 11/05/1996 AJ3 5,989,872 11/22/1999 Luo et al. 435 91.2 08/12/1997 AK3 6,010,884 01/04/2000 Griffiths et al. 435 69.7 05/29/1996 FOREIGN PATENT DOCUMENTS EXAMINER INITIAL DOCUMENT DATE COUNTRY CLASS SITR-TRANSLATION NUMBER CLASS AL3 WO 97/06265 02/20/1997 WIPO No Yes AM3 WO 97/09436 03/13/1997 WIPO No Yes AN3 WO 97/25446 07/17/1997 WIPO No Yes AO3 WO 97/32481 09/12/1997 WIPO No Yes AP3 WO 98/10086 03/12/1998 WIPO No OTHER (Including Author, Title, Date, Pertinent Pages, etc.) Andrews, B.J., et al., "Interaction of the FLP Recombinase of the Saccharomyces cerevisiae $2\mu m$ Plasmid with Mutated Target Sequences," Mol. Cell. Biol. 6:2482-AR <u>3</u> 2489, American Society for Microbiology, Washington, D.C. (1986). Anton, M., and Graham, F.L., "Site-Specific Recombination Mediated by an Adenovirus Vector Expressing the Cre Recombinase Protein: a Molecular Switch for AS <u>3</u> Control of Gene Expression, J. Virol. 69:4600-4606, American Society for Microbiology, Washington, D.C. (1995). Araki, H., et al., "Site-specific Recombinase, R, Encoded by Yeast Plasmid ΑT <u>3</u> pSR1, " J. Mol. Biol. 225:25-37, Academic Press, Inc., New York, NY (1992). EXAMINER DATE CONSIDERED

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	AR	<u>10</u>	Brunelli,	J. P. and	Pall, M. L., "; esigned for Dir ision," Yeast	A Series of Yea	ast/ <i>Escher</i> : ing of cDN <i>H</i>	i <i>chia coli</i> As and <i>cr</i> e	/lox-	
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	AR	<u>15</u>	Devine, S. E., and Boeke, J.D., "Efficient integration of artificial transposons into plasmid targets in vitro: a useful tool for DNA mapping, sequencing and genetic analysis," Nucl. Acids Res. 22(18):3765-3772, Oxford University Press, Oxford, England (September 1994).					ing and
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	AS	43	in Vitro:	DNA Cleavage	ndley, "Transposon and Protein-DNA Li Cambridge, MA (19	inkage at the	te-Spec Recoml	cific Rec	ombination Site," <i>Cell</i> .
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